

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAXIMILLIAN SALAZAR III,)
Plaintiff,)
-vs-)
MONACO ENTERPRISES, INC.; and)
GENE MONACO and MARTI MONACO,)
Husband and wife and the marital)
community thereof; and ROGER)
BARNO and NOELLE BARNO, Husband)
and wife and the marital)
community thereof; and STRATEGIC)
ADVANTAGE, LLC; and STEVE CESARE)
and JANE DOE CESARE, Husband and)
wife and the marital community)
thereof,)
Defendants.)

BEFORE THE COURT, are the following motions: Defendants' [First] Motion For Partial Summary Judgment (ECF. No. 149, previously ECF No. 47 before renewing); Defendants' Second Motion for Partial Summary Judgment (ECF No. 150); and Plaintiff's Motion for Partial Summary Judgment On Defendants' Affirmative Defenses (ECF No. 63). A hearing was held in Yakima on February 20, 2014. William A. Gilbert participated on behalf of the Plaintiff; James B. King participated on behalf of Defendants. The Court having considered the oral and written argument of counsel,

1 enters this Order to memorialize and supplement the oral rulings of the
2 Court. Accordingly,

3 **IT IS HEREBY ORDERED:**

4 1. Defendants' [First] Motion For Partial Summary Judgment, **ECF**.

5 **No. 149**, is **GRANTED**. Plaintiff's common law claim for wrongful
6 termination in violation of public policy is dismissed in light of *Cudney*
7 *v. Alsco*, 172 Wn.2d 524, 530 (2011) and the arguments made by Defendants
8 and noted on the record. Plaintiff's conspiracy claims under federal and
9 state law were withdrawn by Plaintiff at the hearing and are therefore
10 dismissed.

11 2. Defendants' Second Motion for Partial Summary Judgment, **ECF No.**
12 **150**, is **DENIED**. Plaintiff's retaliation claim under 31 U.S.C. § 3730(h)
13 remains, as well as Plaintiff's "Handbook" Employment claim under
14 Washington state law.

15 3. Plaintiff's Motion for Partial Summary Judgment On Defendants'
16 Affirmative Defenses, **ECF No. 63**, is **DENIED** for the reasons stated on the
17 record.

18 **IT IS SO ORDERED.** The District Court Executive is directed to enter
19 this Order.

20 **DATED** this 3rd day of March, 2014.

21
22 *s/Lonny R. Sukko*
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26 LONNY R. SUKKO
SENIOR U. S. DISTRICT COURT JUDGE